

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
DOCKET NO. 05-10033 NG

LORI ANN MORAN, PLAINTIFF VS. ANDREW DIPASQUA, MICHAEL
SANBORN, WILLIAM F. GAY, III and the ONSET FIRE DISTRICT, DEFENDANTS

PLAINTIFF'S MOTION TO ENLARGE TIME FOR THE FILING OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT AND
STATEMENT OF REASONS

Now comes the Plaintiff in the above referenced case and moves for an order of the court enlarging the time for the filing of Plaintiff's opposition to Defendant's Motion for Summary Judgment from May 24, 2006 to June 2, 2006.

STATEMENT OF THE CASE

This case arises out of the termination of the Plaintiff as an employee working at the Onset Water Department. The vote to terminate the Plaintiff was taken at the June 30, 2004 meeting of the Onset Board of Water Commissioners. The alleged incident leading to the Plaintiff's termination took place at the Onset Water Department building on April 27, 2004.

The Plaintiff contends that she was not afforded due process of law in connection with her termination. She further claims that she was singled out for adverse treatment in violation of her rights to equal protection of the law.

The Complaint in this case was removed from the state superior court, and the state court record was entered in this court on January 13, 2005.

On or about March 13, 2006, the Defendants provided Plaintiff's counsel with the audiotapes of the June 30, 2004 meeting and audiotapes of 4 other relevant meetings.

On or about March 29, 2006, the Defendants sent Plaintiff's counsel Defendants' Second Supplemental Local Rule 26.2 (A) Disclosure. Attached to this statement is an

undated statement of Kathi Semple.

The Defendant's Motion for Summary Judgment was filed on April 3, 2006. In connection with the preparation for filing the opposition to this motion, plaintiff's counsel has arranged to have the tape of the June 30, 2004 meeting transcribed. The audiotapes consist of two 90 minute cassette tapes. Upon listening to the tape, plaintiff's counsel found that about ½ of Side A of Tape no. 1 and the entire Side B were blank. Defendants' counsel was advised of the gap, and on or about May 6, 2006 Plaintiff's counsel received new copies of the audiotapes.

ARGUMENT

The Plaintiff needs additional time to get the missing portions of the audiotapes transcribed in order to respond to the Defendants' Motion for Summary Judgment.

Because of the trial schedule of Plaintiff's counsel (including a week long trial in the federal court) and her attendance as deputy town moderator at 4 nights of town meeting in the last 3 weeks, Plaintiff's counsel has not yet had an opportunity to listen to the audiotapes to see if the gap has been covered so that the tapes can be transcribed.

CONCLUSION

For the reasons stated above the Plaintiff requests leave of court to extend the time for the filing of Plaintiff's opposition to Defendants' Motion for Summary Judgment to June 2, 2006.

PLAINTIFF LORI ANN MORAN

By her Attorney

/s Margaret A. Ishihara

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Date: 16 May 2006

CERTIFICATE OF CONSULTATION

The secretary for, Attorney Cloherty, defendant's counsel, called and left a message today on behalf of Attorney Cloherty that he did not object to the motion, but would not agree to the motion, and that motion could be filed without opposition.

Date: 16 May 2006

/s Margaret A. Ishihara
Margaret A. Ishihara

CERTIFICATE OF SERVICE

I hereby certify that I have served the within document by mailing a copy first class mail postage pre paid to:

John J. Cloherty, III
Pierce, Davis & Perritano, LLP
Ten Winthrop Square
Boston, MA. 02110
Telephone: (617) 350-0950

Date: 16 May 2006

/Margaret A. Ishihara
Margaret A. Ishihara